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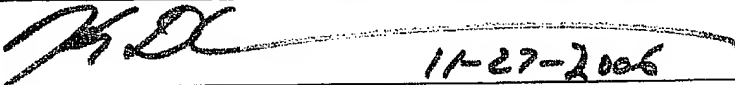
PRE-APPEAL BRIEF REQUEST FOR REVIEW

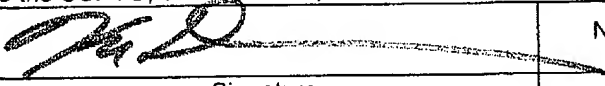
Address to: Mail Stop AF Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450	In re Application of:	David Cheriton
	Application Number:	09/981,125
	Confirmation Number:	5517
	Filing Date:	October 16, 2001
	For:	Method and Apparatus for Ingress Port Filtering for Packet Switching Systems
	Art Unit:	2616
	Examiner Name:	PARK, JUNG H
Attorney Docket No.:	57002	

Applicant requests review of the final rejection in the above-identified application.
No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is request for the reasons stated on the attached two (s) sheets.

Attorney of Record	Kirk D. Williams, Reg. No. 42,229, Attorney of Record, phone: 303-282-0151
Signature	 11-27-2006
Date	November 27, 2006

Certificate of Mailing of Transmission Under 37 C.F.R. 1.8		
I hereby certify that this Transmittal and all accompanying documents are being deposited with the United States Postal Service with sufficient postage as first class mail, on the date indicated below and addressed to: Mail Stop AF, Commissioner For Patents, PO Box 1450, Alexandria VA 22313-1450, or being facsimile transmitted to the USPTO, 571-273-8300, on the date indicated below.		
Kirk D. Williams, Esq. Reg. No. 42,229		November 27, 2006
Name of Person Signing	Signature	Date

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NOV 27 2006REMARKS ACCOMPANYING
PRE-APPEAL BRIEF REQUEST FOR REVIEW (PABRR)

Appellant respectfully submits that all pending claims are allowable and the pending final Office action mailed September 25, 2006, and the Advisory Action mailed October 17, 2006, are deficient and include clear error at least the reasons presented herein, as well as in Amendment B filed June 29, 2006, and in Remarks C filed September 25, 2006, with both of these submissions by Appellant being hereby incorporated by reference.

Claims 1, 6, 8-11, 13, 15-27, and 29-33 are pending in this application, with:

- claims 1, 6, 8-11, 13, 22 and 29-33 standing as allowed;
- claims 19-21 and 24-27 standing as objected to, but would be allowable if rewritten in independent form; and
- claims 15-18 and 23 stand rejected as being anticipated under 35 USC § 102(b) under Merchant et al., US Patent 5,408,463.

Appellant respectfully submits there is clear error in the rejections of independent claims 15 and its dependent claims 16-18, and independent claim 23, as the Office action fails present a proper *prima facie* rejection which has equated elements in Merchant et al. to recited claim elements, with the equated Merchant et al. elements performing all the recited limitations of the recited claim elements.

Basically, Merchant et al. performs packet forwarding in duplicate in a normal operating mode - i.e., by two separate switch modules which perform exactly the same packet processing on the same packets in a normal operating mode, with Selector Element 119 receiving both identical streams of packets and selecting one of the two streams of packets to forward. The Office action equates the switch elements to the recited limitations of the first and second configurable filters in each of the two rejected independent claims (claims 15 and 23). However, each of these two independent claims require that only one of the two filters forward a particular packet (i.e., not by both switch elements as taught by Merchant et al.) in a normal operating mode. Appellant has detailed this argument in Remarks C, at least from page 2, line 5, to page 3, line 16. In conformance with the PABRR guidelines, these detailed arguments are not included herein, but are rather incorporated by reference.

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In re DAVID R. CHERITON, Application No. 09/981,125
REMARKS ACCOMPANYING PRE-APPEAL BRIEF REQUEST FOR REVIEW

In response to these arguments, the Office states in the Advisory Action: "the modules 101 & 102 are configurable and one of the outputs is selected by the selector so that the output packet through interfaces 122-1 is a particular packet forwarded only by one of the modules. (see, col. 3, ln 56-62)." The Office's reply is non sequitur to Appellant's argument as well as to the recited claim limitations. The claims require certain elements to perform certain functions, and the forwarding from Selector Element 119 of only one copy of a particular packet does not address the recited claim limitation to which it purports to teach. Neither this citation by the Office nor elsewhere in Merchant et al. teaches nor suggests all of the recited limitations for at least the reasons discussed *supra*.

As the prior art of record neither teaches nor suggests all the claim limitations of any pending claim, Appellant respectfully requests that all claim rejections be withdrawn. Therefore, assuming the Office action complies with MPEP § 706 and 37 CFR 1.104(c)(2), then the Office cited the best prior art references available. As the best prior art references available neither teach nor suggest all the claim limitations of any pending claim, then all pending claims are believed to be allowable over the best prior art available, and Appellant requests all pending claims be allowed and the application be passed to issuance.